

13 Box 3 - [JGR/Appointee Clearances – 08/01/1983-08/17/1983] -
Roberts, John G.: Files SERIES I: Subject File

WITHDRAWAL SHEET

Ronald Reagan Library

Collection Name ROBERTS, JOHN: FILES

Withdrawer

KDB 7/28/2005

File Folder [JGR/APPOINTEE CLEARANCES - 08/01/1983-08/17/1983]

FOIA

F05-133/01

Box Number

COOKE, PAMELA

9

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Freedom of Information Act - [5 U.S.C. 552(b)]

B-1 National security classified information [(b)(1) of the FOIA]

B-2 Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]

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10	NOTES	RE PERSONAL ASSETS		ND	B6	303
11	REPORT	APPOINTMENT PROCESS PERSONAL INTERVIEW RE HELEN CORROTHERS	1	8/9/1983	B6	304
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THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

August 1, 1983

NOMINATIONS SENT TO THE SENATE:

Charles Franklin Dunbar, of Maine, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Qatar.

Danny J. Boggs, of Virginia, to be Deputy Secretary of Energy, vice W. Kenneth Davis, resigned.

Thomas J. Healey, of New Jersey, to be an Assistant Secretary of the Treasury, vice Roger William Mehle, Jr., resigned.

Richard L. McElheny, of Arizona, to be an Assistant Secretary of Commerce, vice William H. Morris, Jr., resigned.

The following-named persons to be Members of the Board of Directors of the National Institute of Building Sciences for terms expiring September 7, 1984:

MacDonald G. Becket, of California, vice
Warner Howe, term expired.

Kyle Clayton Boone, of North Carolina, vice
Blanca G. Cedeño, term expired.

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<i>NO Document Description</i>					
1	MEMO	1	8/2/1983	B6	281
JOHN ROBERTS TO DIANNA HOLLAND RE POTENTIAL APPOINTEE					

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THE WHITE HOUSE

WASHINGTON

August 2, 1983

MEMORANDUM FOR JOHN HERRINGTON

FROM: FRED F. FIELDING

All necessary clearances and certifications have been accomplished with regard to the following individual and he is ready for formal nomination by the President:

Thomas J. Healey - Assistant Secretary of Treasury
for Domestic Finance

cc: Claire O'Donnell
Jane Dannenhauer
John Roberts

THE WHITE HOUSE

WASHINGTON

August 2, 1983

MEMORANDUM FOR JOHN HERRINGTON

FROM: FRED F. FIELDING >

All necessary clearances have been accomplished with regard to the following individual and he is ready for appointment to the President's Commission on Industrial Competitiveness:

Howard M. Love

cc: Claire O'Donnell
Jane Dannenhauer
John Roberts
Barbara McQuown

THE WHITE HOUSE

WASHINGTON

August 2, 1983

MEMORANDUM FOR JOHN HERRINGTON

FROM: FRED F. FIELDING

All necessary clearances and certifications have been accomplished with regard to the following individual and he is ready for formal nomination by the President:

George F. Moose - to be Ambassador to the People's Republic of Benin

cc: Claire O'Donnell
Jane Dannenhauer
Dick Hauser
John Roberts



U.S. DEPARTMENT OF COMMERCE
Deputy General Counsel
377-4772

August 2, 1983

To: John Roberts

From: Irving P. Margulies

Per your request.

1

call in -
will call
8/16
will call
8/29

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No of Doc Date Restric-
pages tions

NO Document Description

2 FORM

6 5/16/1983 B6

282

FINANCIAL DISCLOSURE REPORT (SF 278) RE
IRVING MARGUILES

Freedom of Information Act - [5 U.S.C. 552(b)]

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THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

August 4, 1983

The President today announced his intention to appoint the following individuals to be Members of the Presidential Commission on Industrial Competitiveness. As announced on June 28, 1983, the Commission will be chaired by John Young.

ROBERT ANDERSON is Chief Executive Officer of Rockwell International Corporation in Pittsburgh, Pennsylvania.

DIMITRI V. D'ARBELOFF is Chief Executive Officer of the Millipore Corporation in Bedford, Massachusetts.

FREDERICK B. DENT is President and Treasurer of Mayfair Mills, Inc., in Arcadia, South Carolina.

RIMMER DE VRIES is Senior Vice President of Morgan Guaranty Trust Company in New York, New York.

EDWIN D. DODD is Chairman and Chief Executive Officer of Owens-Illinois, Inc., in Toledo, Ohio.

B. KIPLING HAGOPIAN is a General Partner in Brentwood Associates in Los Angeles, California.

ROBERT A. HANSON is President and Chief Executive Officer of Deere and Company in Moline, Illinois.

EDWIN L. HARPER is Executive Vice President of Overhead Door Corporation in Dallas, Texas.

GEORGE A. KEYWORTH, II, is Science Advisor to the President in the Executive Office of the President, Washington, D.C.

GERALD D. LAUBACH is President of Pfizer, Inc., in New York, New York.

GEORGE M. LOW is President of Rensselaer Polytechnic Institute in Troy, New York.

BRUNO J. MAUER is President of Rickert Industrial Supply Company in Milwaukee, Wisconsin.

RACHEL MCCULLOCH is Professor of Economics at the University of Wisconsin in Madison.

SYBIL C. MOBLEY is Dean of the School of Business, Florida A & M University, Tallahassee, Florida.

1370(c)(5)

THE WHITE HOUSE

WASHINGTON

August 5, 1983

MEMORANDUM FOR JOHN HERRINGTON

FROM: FRED F. FIELDING

All necessary clearances have been accomplished with regard to the following individual and he is ready for appointment to the National Highway Safety Advisory Committee:

Don MacGillivray

cc: Claire O'Donnell
Jane Dannenhauer
John Roberts
Barbara McQuown

THE WHITE HOUSE
WASHINGTON

~~RESTRICTED~~ - White House Counsel's Office

August 5, 1983

MEMORANDUM FOR FRED F. FIELDING

THROUGH: RICHARD A. HAUSER

FROM: JOHN G. ROBERTS

SUBJECT: Nicolas Salgo

Nicolas Salgo was Chairman of the Board of Bangor Punta Corporation during the legendary battle between Bangor Punta and Chris-Craft for control of Piper Aircraft. That battle led to extensive litigation and several landmark securities decisions by the Second Circuit and the Supreme Court. See generally Piper v. Chris-Craft, 430 U.S. 1, 9-21 (1977) (history of litigation). Bangor Punta and Salgo were found by the Second Circuit to have violated registration and antifraud provisions of the Securities Act of 1933 and the Securities Exchange Act of 1934. The Supreme Court eventually decided that Chris-Craft did not have standing to bring the suit. Accordingly, it did not reach the merits.

The saga began when Chris-Craft announced its intent to take over Piper. Piper responded by seeking out a "white knight," Bangor Punta, to make a friendly takeover offer. Bangor Punta acquired Piper family shares and, on May 8, 1969, issued a press release announcing that it planned an exchange offer for other Piper stock. A registration statement for that offer was filed on May 29. While the exchange offer was pending, Bangor Punta continued cash purchases of Piper shares. Bangor Punta eventually secured 51 percent of the Piper shares, leaving Chris-Craft with a very expensive minority interest.

In response to suits by the SEC and Chris-Craft, a divided Second Circuit determined that:

1. Bangor Punta and its officers violated § 5(c) of the 1933 Act when they issued the May 8 press release. According to the court, that release itself constituted an offer, and as such was not properly registered. The SEC sued Bangor Punta on this ground, and Bangor Punta consented to an injunction barring any future press releases. When Chris-Craft raised this ground in its damage suit, however, the court ruled that this violation was not a violation of the antifraud provisions.

2. Bangor Punta and its officers violated § 14(e) of the 1934 Act, the tender offer antifraud provision, because the May 29 registration statement listed the worth of an asset -- the Bangor and Aroostook Railroad -- at \$18 million, the value at which it was carried on the books. The directors knew the railroad to be worth only \$5 million, since they were engaged in negotiations to sell it for that amount. The \$18 million figure was arrived at through "dubious accounting procedure." The § 14(e) violation was not based on intent to defraud but "reckless disregard" for the accuracy of the reported figure, which the court considered sufficient to satisfy the scienter requirement. Both the SEC and Chris-Craft raised these allegations. Although agreeing with the SEC that a violation occurred, the court denied the SEC's request for an injunction against future violations.

3. Bangor Punta and its officers violated Rule 10b-6 issued under the 1934 Act, an antifraud rule, by engaging in cash purchases while the exchange offer was outstanding. The court reasoned this inflated the price of the Piper stock at a time when it would appear that the increase was due to the exchange offer, making the exchange offer appear more attractive.

The Supreme Court reversed the eventual award of damages and injunctive relief to Chris-Craft. The Court reasoned that the securities laws did not create a private cause of action for the benefit of rival tender offerors such as Chris-Craft. In light of its holding, the Court noted that it had "no occasion to pass on the Court of Appeals' underlying determination that petitioners actually violated the securities laws . . ." 430 U.S., at 37 n.24.

With respect to the Second Circuit's determination that such violations did occur, it is significant to note that the court itself recognized that it was deciding issues of first impression, see 480 F.2d at 379, and that a majority rebuffed the SEC's request for a permanent injunction against Bangor Punta and its officers, agreeing with the district court that there was no basis to assume any danger of future violations by Bangor Punta or its officers. The court opinions broke new ground, and Bangor Punta's activities were hardly egregious. Indeed, the opinions continue to be widely-read in securities law classes, and have provided ample fodder for commentators, precisely because of the closeness of the issues presented. I do not think the episode should preclude Salgo's nomination.

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<i>NO Document Description</i>					
3	LETTER	1	8/1/1983	B6	283
E. MARK BRADEN TO J. ROBERTS					

Freedom of Information Act - [5 U.S.C. 552(b)]

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DOC Document Type

No of Doc Date Restric-

NO Document Description

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4 LETTER

1 9/30/1982 B6

284

FROM BRADEN

Freedom of Information Act - [5 U.S.C. 552(b)]

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<i>NO Document Description</i>	<i>pages</i>		<i>tions</i>

5 FORM

1 9/29/1982 B6

285

REQUEST FOR PURCHASE ORDER

Freedom of Information Act - [5 U.S.C. 552(b)]

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ITEMIZED DISBURSEMENTS

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7	LETTER	1	7/14/1983	B6	287
	RE CONTRIBUTIONS				

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THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

September 20, 1983

The President today announced his intention to nominate Nicolas M. Salgo, of Florida, as Ambassador to Hungary. He would succeed Harry E. Bergold, Jr.

Mr. Salgo was a trainee and export manager with Manfred Weiss Company in Budapest, Hungary in 1933-1938 and in Geneva, Switzerland in 1938-1939. He was Partner and Director of Salvaj and Cie in Geneva in 1939-1948. In 1948-1958 he was Owner and President of Indeco Corporation, Coal Credit Corporation, and Salvaj and Company in New York City. He was Executive Vice President of Webb and Knapp, Inc., in New York City (1950-1957), and President and Chief Executive Officer of the Norbute Corporation in Butte, Montana (1954-1960). He was Founder and Owner of Nicolas Salgo and Company in New York City in 1959-1983. In 1960-1974 he was Vice Chairman, and Chairman of Bangor Punta Corporation and subsidiaries in Greenwich, Connecticut. He was Co-owner and President of the ZX Ranch in Paisley, Oregon in 1966-1980.

Mr. Salgo was Founder and Limited Partner of the Watergate Improvement Associates in Washington, D.C. (1960-1977) and has served as Chairman of the Watergate Companies since 1977. He has also been a consultant to the United States Information Agency since 1982 and a member of the International Private Enterprise Task Force since May 1983.

He received his LL.D. and Ph.D. from the University of Budapest (Hungary) in 1937. His foreign languages are fluent Hungarian, French, and German. He was born August 17, 1914 in Budapest, Hungary and became naturalized in 1953.

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THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

September 26, 1983

NOMINATIONS SENT TO THE SENATE:

Reginald Bartholomew, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Lebanon.

Nicolas M. Salgo, of Florida, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Hungary.

Gerald Eustis Thomas, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kenya.

Clarence J. Brown, of Ohio, to be Deputy Secretary of Commerce, vice Guy W. Fiske, resigned.

Courtney M. Price, of the District of Columbia, to be an Assistant Administrator of the Environmental Protection Agency. (New Position - P.L. 98-80 of August 23, 1983)

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9 LETTER

2 10/3/1983 B6

289

TO RICHARD HAUSER

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10 NOTES	2	ND	B6	290
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Freedom of Information Act - [5 U.S.C. 552(b)]

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THE WHITE HOUSE

WASHINGTON

August 8, 1983

MEMORANDUM FOR DIANNA G. HOLLAND

FROM: JOHN G. ROBERTS *JGR*
SUBJECT: Pending Presidential Appointments

This responds to your memoranda of August 5, inquiring into the status of two prospective appointees.

° On August 2 Irving Margulies delivered the SF 278 he filed on May 16 in compliance with the annual reporting requirement for his current position. I have advised Margulies the form must be updated for his nomination, and am awaiting receipt of an appropriately updated form.


° Bud Brown has submitted a PDS and a draft SF 278. I noted several errors on the draft SF 278 and returned it to him on July 13, along with a letter concerning steps that had to be taken with respect to his continuing interests in his family business by him and ethics officers at Commerce. Brown has yet to respond; on July 26 I reminded Commerce lawyers working on the matter that we were awaiting their action and reply.

THE WHITE HOUSE

WASHINGTON

August 5, 1983

MEMORANDUM FOR JOHN ROBERTS

FROM: FRED F. FIELDING 

I would appreciate it if you would give Dianna an up-date on the attached questions regarding Presidential appointments by close of business Monday, August 8.

Thank you very much.

MEMORANDUM

THE WHITE HOUSE
WASHINGTON

August 5, 1983

FOR: JOHN ROBERTS

FROM: DIANNA HOLLAND *dh*

Have you received the financial forms for Irving Margulies.

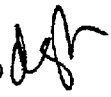
Please advise. Thank you.

MEMORANDUM

THE WHITE HOUSE
WASHINGTON

August 5, 1983

FOR: JOHN ROBERTS

FROM: DIANNA HOLLAND 

Could you please let me know where we stand with Bud Brown's personal data statement and 278? Please advise.

Thank you.

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[JGR/APPOINTEE CLEARANCES - 07/09/1983-07/31/1983]

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F05-133/01

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No of Doc Date Restriction

NO Document Description

11 REPORT

1 8/9/1983 B6

291

APPOINTMENT PROCESS PERSONAL
INTERVIEW RECORD RE HELEN CORROTHERS

Freedom of Information Act - [5 U.S.C. 552(b)]

B-1 National security classified information [(b)(1) of the FOIA]

B-2 Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]

B-3 Release would violate a Federal statute [(b)(3) of the FOIA]

B-4 Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]

B-6 Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]

B-7 Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]

B-8 Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]

B-9 Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

THE WHITE HOUSE

WASHINGTON

September 22, 1983

MEMORANDUM FOR JOHN HERRINGTON

FROM: FRED F. FIELDING

All necessary clearances and certifications have been accomplished with regard to the following individual and she is ready for formal nomination by the President:

Helen G. Corrothers - Commissioner, U.S. Parole
Commission

cc: Claire O'Donnell
Jane Dannenhauer
John Roberts

(501) 247 - 1800
x 321

Helen Canotter

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

October 27, 1983

The President today announced his intention to nominate the following individuals to be Commissioners of the United States Parole Commission for terms of six years:

VINCENT FECHTEL, JR., would succeed Audrey Kaslow. Mr. Fechtel is a business investor in Leesburg, Florida. He was a Florida state legislator in 1972-1980. He was owner of various small businesses in 1963-1972. He graduated from the University of Florida (B.S., 1959). He has two children and resides in Leesburg, Florida. He was born August 10, 1936 in Leesburg.

HELEN G. CORROTHERS would succeed Robert D. Vincent. Since 1971, she has served as Superintendent of the Women's Unit of the Arkansas Department of Correction. Previously, she was an instructor of the Arkansas Department of Correction in 1970-1971. She served in the United States Army from 1955-1969, discharged with the rank of Captain. She graduated from Roosevelt University (B.S.) and Arkansas Baptist College (A.A.). She has one son and resides in Pine Bluff, Arkansas. She was born March 19, 1937 in Montrose, Arkansas.

PAULA A. TENNANT would succeed Cecil M. McCall. Since 1980, she has been serving as Assistant District Attorney in San Mateo, California. Previously, she was Deputy District Attorney for San Mateo County in 1978-1979; a Member of the U.S. Board of Parole in 1970-1976; and a member of the California Youth Authority in 1968-1970. She graduated from Lincoln University (LL.B., 1954). She was born May 23, 1913 in Kendallville, Indiana and now resides in Burlingame, California.

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NO Document Description

12 MEMO

1 9/12/1983 B6

292

J. ROBERTS TO DIANNA HOLLAND RE
HOLLAND'S 9/8/83 MEMO

Freedom of Information Act - [5 U.S.C. 552(b)]

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13 MEMO

1 9/8/1983 B6

293

D. HOLLAND TO J. ROBERTS

Freedom of Information Act - [5 U.S.C. 552(b)]

B-1 National security classified information [(b)(1) of the FOIA]

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C. Closed in accordance with restrictions contained in donor's deed of gift.

THE WHITE HOUSE

WASHINGTON

August 9, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Seeley Lodwick

I mentioned this morning my recollection, prompted by the Post report that Mr. Lodwick had been confirmed while his independent co-nominees had not been, that the International Trade Commission enabling act required members of different political parties to be appointed alternately to the ITC. The actual phrasing provides that "in making appointments members of different political parties shall be appointed alternately as nearly as may be practicable." 19 U.S.C. § 1330(a) (emphasis supplied). The underscored language is of some significance, as I have discovered that Lodwick was commissioned last Friday, August 5. Lodwick's appointment means that the last four appointees to the ITC have been Republicans, so the record of compliance with the statute's alternating scheme has not been good.

It can, however, readily be maintained, at least with respect to Lodwick's appointment, that the Administration made every effort to comply with the alternating requirement, and only failed to do so because it was not "practicable." Lodwick's name was sent up along with two non-Republicans, and the Administration can hardly be blamed for the Senate's refusal to confirm the Independents while confirming Lodwick. Nor is there anything in the statute to suggest that the appointment of a confirmed nominee must be held in abeyance until the Senate confirms a nominee of a different party.

U.S. GOVERNMENT PRINTING OFFICE 16-80236-1

U.S. GOVERNMENT PRINTING OFFICE 16-80236-1

UNITED STATES INTERNATIONAL : INDEPENDENT : MEMBERS: 6 : TERM: 9 yrs : (HOLDOVERS)¹⁷
 TRADE COMMISSION : : : : (BI-PARTISAN)

NAME	State	Term Expires	Nominated	Confirmed	Commissioned	Vice
FRANK, Eugene J. (R) (for the remainder of the term expiring....)	Pa.	12/16/82	7/13/81	7/30/81	9/19/81	GMMoore, rsgnd.
ECKES, Alfred E., Jr. (R) (CMBedell left payroll on 11/30/81, per Leslee Sherrill, PPO - no exchange of letters with the President occurred. This info ascertained on 2/4/82)	Va.	6/16/90	7/13/81	9/16/81	9/18/81	IHAblondi
HAGGART, Veronica A. (R) (for the remainder of the term expiring....)	Va.	6/16/84	2/11/82	3/8/82	3/9/82	CMBedell
(WRAlberger rsgnd as Mbr. & Chmn., eff. 6/16/82; acc. 5/5/82, eff. 6/16/82)						
(MJCalhoun rsgnd. 7/8/82, eff. 9/10/82; acc. 8/17/82, eff. 9/10/82.)						
(EJFrank rsgnd. 9/3/82, eff. 10/23/82; acc. 10/1/82, eff. 10/23/82.)						

U.S. GOVERNMENT PRINTING OFFICE : 1980-O-334-630

UNITED STATES INTERNATIONAL : INDEPENDENT : MEMBERS: 6 : TERM: 9 yrs : (HOLDOVERS)¹⁸
 TRADE COMMISSION : : : : (BI-PARTISAN)

NAME	State	Term Expires	Nominated	Confirmed	Commissioned	Vice
LEON, Enrique J. (R) (for the remainder of the term expiring....)	N.Y.	12/16/82	11/15/82	NOT CONFIRMED		EJFrank, rsgnd.
LIEBELER, Susan Wittenberg (I) (for the remainder of the term expiring....)	Calif.	12/16/88	11/15/82	NOT CONFIRMED		MJCalhoun, rsgnd.
LEON, Enrique J. (R)	N.Y.	12/16/91	11/15/82	NOT CONFIRMED		Reappointment
SCHLITT, Lyn M. (Mrs.) (I) (for the remainder of the term expiring....)	Va.	12/16/85	5/26/83	RETURNED - 8/8/83		WRAlberger, rsgnd.
LIEBELER, Susan Wittenberg (I) (for the remainder of the term expiring....)	Calif.	12/16/88	5/26/83	RETURNED - 8/8/83		MJCalhoun, rsgnd.
LODWICK, Seeley (R)	Iowa	12/16/91	5/26/83	8/4/83	8/5/83	EJFrank, rsgnd.

U.S. GOVERNMENT PRINTING OFFICE : 1980-O-334-630

To SGR
Date 8-15 Time 6:10

WHILE YOU WERE OUT

M. Steve Hallway
of Commerce
Phone 377-1328

Area Code	Number	Extension
TELEPHONED		
CALLED TO SEE YOU		
WANTS TO SEE YOU		
RETURNED YOUR CALL		

PLEASE CALL
WILL CALL AGAIN
URGENT

Message

Re: Bud Brown
nomination
Will talk w/ both Brown +
Margulies

Operator



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23-020

THE WHITE HOUSE

WASHINGTON

August 17, 1983

MEMORANDUM FOR JOHN HERRINGTON

FROM: FRED F. FIELDING 

All necessary clearances and certifications have been accomplished with regard to the following individual and he is ready for formal nomination by the President:

Alan Lee Keyes - to be Representative of the United States of America on the Economic and Social Council of the United Nations

cc: Claire O'Donnell
Jane Dannenhauer
Dick Hauser
John Roberts